P 27

1937

# Department of Revenue

OFFICE Bd. of Revenue -

STATION Madras

Rec'd 11.5.37 MA 29.9

Mis. No. 3067

H. 620/37

Dated 28-9-37.

Recd: 2.10.37

Pages in the file

(SUBJECT.)

Irrigation - Bellary - Harpanahalli Tk - Navasipatny village - Wet lands - Supply of water - Petitions from Gurus Guru Nos Nagal - Orders passed

GOVERNMENT OF MADRAS

Revenue Department. 3

10 APR 1937

Irrigation - (Bellary) - Harpanahalli taluk - Nareapur village - Wet lands - Supply of water - Complaint - Petition.

From Govind Guru Rao Magal, dated the 29th March 1937.

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Endorsement No.1428 F/37-1, dated the 9th April 1937.

Transferred to the Board of Revenue.

T.M.S.Mani

Under Secretary.

To the Board of Revenue(with petition and enclos in origl)
Copy to Govind Guru Rao Magal, Harpanahally(Bellary.

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F o r w a r d e d.

(By Order) V Narasimha Rao

Superintendent.

N.M.

R 1428 F
5-4-37

To

The Secretary to the Government of Madras.,
Judicial Department,
MADRAS

31 MAR 1937
ASSISTANT SECRETARY TO GOVT. LAW DEPARTMENT

7 APR 1937
ASSISTANT SECRETARY TO GOVT. LAW DEPARTMENT

Honoured Sir,

(1) Herewith is annexed a petition which was submitted to his Excellency the Governor General in Council, for The facts referred to in this petition are in respect of a suit to which this Government was once a party. Besides there were matters in the petition which might give room for a consideration whether some reformation in the present administration of the Government is desirable in the interest of the public. But this petition was returned with an endorsement No.D.1310/37 Judicial that it will not be considered unless it is submitted though the Local Government. The petitioner therefore now begs leave to present the petition to this Government with an humble prayer that it may be disposed of as is deemed fit.

(2) The orders of some executive officers made it completely impossible to irrigate some of the petitioner's wet lands and amoung them some of his double crop "Inam"lands also.

(3) Double crop " Inam " lands, even according to the Government rules have a preferential right of water for their irrigation. These " Inam " lands are grants made by Govern-ment's prior to that of the present one which are recognised by this Government also.

(4) Thus those "Inam " lands enjoyed the right of water from time immemorial. But that right was nullified or made ineffective by the orders of the executive and the judi-ciary which no power and the Law, as it is, can do.

(5) These orders are opposed to the existing orders of the Government on the subject and are even opposed to the recognised Government records and are even contrary to the existing situation of channels on the ground which are ineffaceable.

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(6) An enquiry into the matter will convince how the orders of the executive and the judiciary have flouted the truth and have undid, the ~~x~~ right which existed from time immemorial.

(7) The petitioner was not only deprived of his right of water to his wet lands but is also remorselessly forced to pay the wet assessment to those lands without granting remission even .though applied for it.

(8) Thus the once valued wet and " Inam " lands have now become worse than dry lands due to the excess assessment to them when even no water can be used for the irrigation for the same.

(9) The herewith annexed petition was written long ago but its submission was withheld by the petitioner for the reasons stated in the letter which accompanied the petition.

(10) The petitioner though smarting under the injustice done to him, kept silent all these days with a helpless and melancholy resignation. But repeated injustice done to the people by the Government servants with impunity and a similar injustice done to the petitioner himself in a recent case C.C.No.252 of 1936 on the file of the Stationary Submagistrate Harpanahalli impelled the petitioner to submit the herewith annexed petition.

(11) The injustice done to the petitioner in the said C.C.No.252 of 1936 is not only opposed to the clear and unconcealable truth which has been ingeniously ignored but is also as daring and glaring as the injustice done to the petitioner in the suit referred to in the herewith annexed petition.

(12) An enquiry made, at least, into these two cases will reveal how the present administration of the Government is being conducted by the Government servants especially of the lower order and how exasperating it is even to the most loyal and law abiding.

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(13) The petitioner in conclusion most humbly and respectfully prays that the Government will be graciously pleased to do justice to the people by causing enquiries instituted into the matter.

Harpanahally
29.3.37

I beg to remain,
Honoured Sir,
Your's obediently, servant-

Govind Swamy, Nagal
Harpanahally
Bellary D.C.

D.1310/37-Judl
Dt 15-3-37.

To

The Secretary,

To the Government of India
(Judicial Department)

D E L H I.

Honoured Sir,

The undersigned petitioner begs to bring to your nonors notice the following and prays as under:

Herewith is annexed a petition addressed to His Excellency The Governor General-in-Council. The petition is in itself neither an appeal nor a prayer for the redress of the wrongs done in the individual case of the petitioner, though he, as an incidental result hopes and even expects justice in his case also.

All that the petitioner wants is to keep his Excellency in the know of the actual state of things in the Country by facts and figures with a very sincere belief and a sanguine hope that His Excellency also would be desirous and glad to be kept informed of such state of things and would, if convinced be earnest too, to set matters right for the benefit of the Government and the Governed which every fair-minded responsible authority of the Government would necessarily feel it as his most devine and obligatory duty to do.

As a peace-loving and law-abiding subject of the Government and equally willing adherent to the public cause the petitioner has preferred to achieve salutory results by means of devoted and silent prayers instead of raising a row in the name of the so-called constitutional method of resorting to Press or platform.

The petitioner, therefore , respectfully begs your honour ~~that~~ will be so good as to kindly take the here-with annexed petition to the benign notice of his Excellency and cause an enquiry instituted in the matter, ~~which the~~

which the petitioner feels very confident, will produce results, which develop the much-needed harmony and love between the Government and the Governed.

The undersigned beg to remain
Honoured Sir

Your most obedient servant,

Govind Giriyappa Nadagoj

Goverahalli (Harpanahalli ~~Taluk~~ post-)
Bellary District,
Madras Presidency.

The petition was written long ago. The consideration that such plain truths are not relished by those in power kept the petitioner back from forwarding it. But publication of petitions in public has become the order of the day.

Govind Giriyappa Nadagoj

Harpanahalli
11-1-1937

Bellary Dt

To

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His Excellency theGovernor General in Council,
New Delhi, D E L H I.

May it please your Excellency:---

The undersigned petitioner respectfully begs leave to place his case before your Excellency with a view that it will give your Excellency an idea as to how the administration of the Government is being conducted in this country by the Executive and Judiciary. It is sincerely believed and hoped that your Excellency will be desirous to know it andthe acquisition of such a knowledge by your Excellency will of course do good both to the Government and the Governed.

(2). It may not be news to Your Excellency that there is unrest in the country, due to maladministration of Government and that there is also an equally contrary version by the powers that be i.e., the Government servants. In the midst of such conflicting versions it is no wonder if truth has not flashed out as yet and good results not emanated therefrom.

(3). In placing his case before your Excellency, which is based on unassailable facts, the petitioner hopes that it will enable Your Excellency to correctly understand how the administration of the Government is being conducted by the Government servants and how hard it is for the people to attain justice even in Courts ofLaw when especially it is a case between the Government servants on the one side andthe Government subjects on the other side.

(4). The present representation of the petitioner has no reference whatsoever to theagitation of the intelligentia of the Country.

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It only refers to the hard condition of the masses of the people especially of the agricultural population which any Governing authority of whatever political views would but fain ameliorate at least in the interest of the stamina of the country which is for the benefit of the Government itself and its good name.

(5). The masses of the people do not much know the good or evil effects of the foreign rule and its policy but they only know that they are not happy and at home in their own country and almost blindly lend their sympathy and moral support to the agitation of the intelligentia with a belief that any change in the Government which might be brought by such an agitation cannot be worse to them though not better.

(6). Apart from some taxations and Laws such as Forest, Arms and Salt etc., the illiterate people which is the majority of th country do not exactly know where their grievance is, though they feel oppressed and restrained every way by the Government servants, who are in direct touch with them.

(7). The puzzle lies in the fact that it is not the General Law of the country or the many salutary policy of the Government that Governs the people, but it is the selfish will of the Government servants that Governs the people with an iron hand which has brought about the present awakening and unrest in the country.

(8). Officers of high rank of the Government, coming as they do from the Ruling race, put on an air of superiority over the people of this country whom they keep at a distance and the subordinate staff enrolled from the sons of the soil, mercinary as they are readily copy their Superiors. Thus the Government servants who are intended for the service of the public have traditionally become the masters of the public and any duty cast upon such servants for the benefit of the public is transformed into

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a lucrative power ~~from~~ over the helpless and ignorant people.

(9). Public opinion is mere nothing to these servants and such an opinion is more often suppressed than taken into account. Corruption especially among the Lower order of the Government servants is so rampant that almost any duty done by them has its money value to the people. The prosperity or adversity and safety or unsafety of a Government servant mostly depend upon the liking or dis-liking of his departmental superior based upon his own whim and fancy but not on the good or bad service done by such a servant to the public whom he is interested to serve.

(10). Government servants are more remunerated than others of similar qualifications in other occupations and the former with their additional advantage of earning more money by corrupt means naturally become a class of higher standard than the general public and thus there can be seen two separate communities in every place one of the organised and powerful Government Servants and the other of the unorganised and helpless public who are considered to be of a lower order.

(11). Government servants from the nature of their duty and their close association with each other naturally become friends or sympathisers among themselves which inclines them to support each other against the public complaint which results in the defeat of the cause of the people. Unfortunately under the existing system any complaint made by any of the public against the misconduct of any of the Government servant is only disposed of by the very servant if he happens to belong to a superior class of servants and if the complaint is against a servant of a lower order his superior rarely takes up the inquiry which in most cases results in favour of the Government servants to the dismay and disappointment of the public.

(12). Since the time of the recent anti-government

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anti-government agitation by the people there is as if it were a clique among the Government servantsto preserve their own prestige which they wrongly call the prestige of the Government and for that end each servant goes on supporting the other whenever there is a complaint against any servant from any one of the public and the former succeeds because he gets the support of his compeers who are in power as against the people who are without a god-father. To this rule, unfortunately, even the judiciary is not in all cases an exception as every judicial officer is first a Government servant in his heart and next a judicial Officer.

(13). Besides, the Courts of Law arenot what are suited to the condition of the masses of the people of the country The Courts are only a few and sparse considering the extent of the country and are not within the easy reach and even the means of the most of the people to have recourse to. The delay in disposal of cases and the repeated adjournments are vexatious. The cost is prohibitive. The procedure is too complicated and too high a standard to be of any use even to an average man apart from the poor and ignorant who are the majority of the country. Even to the rich it is ruinous. Courts of Law are proverbially called gambling houses and a licensed place for the people to lie in the holy name of God (oath) which they shrink to do in their own place and in the presence of their neighbours. It is not incumbent on Courts to toil to find out truth nor have they the real means of doing so nor any one cares to do it. Justice in its ~~normal~~ (~~moral~~) sense is not what one could be sure of getting in a Court. It is not the truth that is found in a Court but what is found there, is forced upon the people to be taken as truth because court is mighty and that might is right, success (not justice) in Court much depends upon the richness, artfullness, and influence of parties and not on truth. Absence of a party in Court by inability, ignorance, inconvenience or by any casuality is sure to bring the judgment against him

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which means deprivation of his earthly possessions. Petitions for restoration of lost cases, means additional costs and entire dependence upon the descretion of the Court which means its sweet will.

(14). Judges with their princely pay and the privileged descretionary powers are more aristocratic and arbitrary than justice loving and truth finding in their attitude towards the people in gengral. Any one as a party in person to a case with a torn shirt and a rough rug on his back is sure to be trifled with and despised by Judges who consider themselves too high to such people. This attitude of judges and the complexity of the procedur have made the mediation of Pleaders in Courts compulsory to the people. This means heavy cost which again means a direct denial of justice to the poor and ignorant and great inconvenience even to the rich because pleaders, being mercinary in their character, are apt to be authoritative over their ignorant and helpless clients when under clutch, and are exacting too as pleaders can only make hay at the calamitous time of the people as in litigation which is necessarily a calamity to them. The entire dependence on pleaders which is thus forced upon the people is a risk too to them as they have to take upon themselves, the consequence of any wrong done by the pleaders in handling the cases entrusted to them as they are more often prone to be callous, indifferent, mischievous and susceptible to pecuniary temptations.

(15). The introduction of the Pleaders class between the Courts and the people has brought in an undesirable effect of inducing parties to have their cases prepared (concocted) in such a way as to make it applicable to a particular Law they desire, instead of putting their cases as they are, before a Judge and leave him to see what Law justly applies to the case (facts ) and decide them accordingly.

(16) Unfortunately such a duty of correctly applying the Law, understanding the evidence and search out the

the truth is not made binding on Courts. They are to be pointed out Law which means ~~taught law~~ made known by the parties. Facts or evidence are to be forced upon courts, which they may either take notice or ignore according to their sweet will. The idea of a judge trying to get to ~~himself~~ himself the truth or helping others at it is quite a bygone thing, which is a disappointing feature to the Oriental mentality which knows what the real duty of a Judge is. The Courts have been given the privilege of even giving wrong judgments and to recklessly err to any extent even on points of Law for which the parties to the case have to ~~lead the Court~~ bear the brunt. Disposal of cases is what a Judge does and is held responsible for and not necessarily dispensation of justice in its real sense of truth. In his despotic way a Judge may either care to hear a party or decline. He may allow a party to prove his case to his satisfaction or refuse. He may misconstrue and ignore as many material points of Law and evidence in his judgment as might suit him to give his desired judgment. In the name of Judicial discretion a Judge may even intentionally and with impunity err to any extent at the cost of the parties which is very harrowing to them. Thus it is the people that have to pay that too heavily, for the errors that might be committed either by a pleader or Court. It is no wonder therefore that if the system has taken away the peoples' faith and confidence in the British administration of justice which goes to shake the very foundation of the British reputation.

(17). The above is not merely to deprecate the system but to simply describe how it is working in this Country on its subjugated, illiterate and poverty stricken people. The very system which is so very ill-suited to this country might be very well suited to an educated advanced and a free nation where every power is tempered with and subjected to the public opinion, which is really the Kingmaker of such a Country.

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Whereas in this country every Government servant is a king of his own making within his own sphere of duty which he calls it a power and can even be bold enough to do any harm or wrong to the sheep like people, who cannot afford to seek a remedy, which is too costly and complex to them and which even if sought ~~xxxxxx~~ for cannot be had even in Courts of Law especially against Government servants who are a power in themselves.

(18). Power is an intoxicant and unless its use is brought under control the effects are necessarily bad. In civilised and self Governed countries public voice and their resentment keeps even the powerful within their bounds but the case is quite the reverse in this country. The Government ~~and~~ administration is conspicuous in its omission to bring their servants under control, stop corruption and make them understand that they are paid to do service to the public and not to lord over them.

(19). This omission is the black spot in the administration of the Government and in order to give your Excellency, who would naturally be glad to mend matters, a real insight of how the administration is being conducted, the petitioner desires to bring to your Excellency's notice his case which is as follows:--

(20). Agriculture is the occupation of the petitioner. He owns some dry as well as wet lands in Narnapur village of Harpanahalli Taluk of the Bellary District. Some of his wet lands are double crop Inam lands which have preferential right of the use of water to them. It is a recognised Law of the Country that all wet land holders have a proprietory right of water in the ~~A~~prescribed source, appurtenant to the ownership of such wet land. Law has cast a duty also on the Government to see that water from the prescribed source of irrigation is made to reach each wet land from Governments own channels. The Government also have issued circulars to their servants to the effect that even in case of short supply of water to tanks etc.

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they have no right to refuse water to any wet land and if they do so they lay themselves liable to damages.

(21). In the face of such salutary Law and the benevolent Policy of the Government the ignorant and hence the inarticulate agricultural population of this country is given much trouble by the Government servants in the matter of supplying water to them. In the case of smaller works of irigation the management of supply of water is vested in the Revenue Department. This work is done pimarily by a Talayari and the supervision of the same is done by a "Reddi" or a "Karnam" of a village. The pay of the Talayari" who is the pincipal authority to supply water is about Rs.7 per month and of the latter two supervising authorities ranges from Rs.10 to Rs.15 per month. These village servants low paid as they are come from the dregs of society and are really the despots of a village, and more so when such a village is farther away from a Headquarter place of some superior officer and most so when such superior officers are of such a nature as would support the village staff. These village officials have neither sense of duty justice or respect in them. They are corrupt to the core. It is no wonder therefore that they neglect thei duty and give trouble to the voiceless agriculturists and convert the duty cast upon them to supply water as a power and lucre to them.

(22). Having long suffered the inconvenience of irrigating the petitioner's wet lands due to the mischievous tendency of the village officials and the repeated insufficiency of water itself in the tank due to its silted up condition and the scarcity of rain also the petitioner alike others presented a petition to an official of the Settlement Department, which was working in Harpanahalli about the year 1922, to have one of the petitioner's wet lands transferred to dry and the assessment reduced.

(23). As in this country, nothing comes out of the Government servants unless something is done to them. The petitioner's wet land was not transferred to dry, while peculiarly enough the wet lands of others, which are closer to the tank

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and which ~~are~~ have better ~~in~~ convenience for irrigation than the petitioner's wet land, were transferred to dry. This resented the petitioner's son and he straight away went and complained to the Collector (Local Sub Collector) in the year 1925, which occassioned some inquiry into the matter. The result of it was that a Revenue Inspector inspected the land and its supply channel etc., and opined that the land had convenience for irrigation and could not be transferred to dry. He recorded the statement of the petitioner also when he stated that he had no objection to retain the land as wet provided arrangements were made to stop the negligence of the village staff in the matter of supplying water. Thereupon a formal order was given by the then Tahsildar to the village officers warning them against any negligence in supplying water to the wet land. (Vide exhibits I,II,III and D.Dis.No.1429 of 1925 of the Tahsildar.

(24). After the transfer of that Tahsildar to some other place his order became a mere scrap of paper to the village "Reddi or Talary and the usual negligence and mischief prevailed. The petitioner made complaints ~~to~~ in the year 1926 against them to the then Tahsildar who not only took no notice of their conduct but also contributed something in a way to prevent the petitioner from irrigating his lands which caused damage to his crop and which he had to suffer silently (vide Exhibts, L,L1 ~~were~~ returned D.E).

(25). Next year i.e., in 1927 there was similar trouble. Several complaints were made to the Tahsildar against the conduct of the Talary and Reddi but no steps were taken against them. They on the contrary became more defiant and mischievous in their attitude naturally from the support they expected from their Tahsildar. The petitioner had to go to the length of informing the Tahsildar that if he did not take immediate measures to supply water and prevent the mischief of his subordinates, the petitioner would take the matter to the notice of his superiors and that damages also would be claimed.

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(26) Thereupon the Tahsildar to all appearance gave a written order to the Reddi to supply water to the lands of the petitioner. Accordingly on a certain day the sluices were opened and water was allowed to the petitioner's lands. But the mischief was again at work. After a few hours the Reddi got the sluices locked again by his talayari on a pretence that a certain wet land holder took objection to the water being taken through his land to the land of the petitioner, though the Reddi or for the matter of that any revenue Officer had no business or authority whatsoever to heed such an objection or any way interfere in such a purely private dispute even if it did really exist.

(27). Having heard that the water supply was stopped, the petitioner went to the tank, found out the Talayari warned him that his mischief should be reported to the Collector and telling him that the petitioner would personaly stand responsible and face the objection of other got the key of the sluice from him and subsequently irriga/ted his land without any objection from any body and reported about the conduct of the village staff to the Tahsildar who however took no notice of it at all.

(28). Though the misconduct of the officials was all along reprehensible and caused damage to the petitioner yet how they worked out in turning the table on the petitioner and subjected him to troubles is a matter which the petitioner hopes that your excellency would be interested to know for the benefit of the people.

(29). As is quite in keeping with the tactics of Government servants to set up disputes or show of disputes among people andthen interpose themselves between the disputants as judges or inquiring officers for their own benefit, the village Reddi, got a petition sent to the Tahsildar, by some of his satellites to the effect, that the order (No.D.Dis.No.1429/1925) given to the Reddi about

about three years ago was an unjust one and that the petitioner had no right to the use of the tank water and that he wasted water by opening the sluice himself etc., and thus created a means to the Tahsildar to place himself in the position of an inquiring officer in respect of the allegation made against the petitioner ~~xxx~~ in the said petition. The Petitioner ~~in the said petition~~ perceived also the engineering hand of the Tahsildar behind all this. Though the petition got up by the Reddi was absurd on the face of it, yet the inquiry was taken up in right earnest, while the much needed enquiry about the misconduct of the village staff as reported by the petitioner was never cared to be taken up.

(30). The petitioner heard also that a P.W.D Sub-Overseer was inspecting channels etc., along with the defaulted village staff, while no notice whatsoever was given to the petitioner though he was the real party to it. Knowing that the enquiry was for anything but for honest purpose, the petitioner sent a petition to the District Collector to depute any officer other than the Tahsildar to inquire into the matter and direct the enquiring officer not to conduct the enquiry behind the back of the petitioner andthat in any case, the matter should not be disposed of unless the petitioner was given an hearing. But this petition was not acted upon. The inquiry did, of course lie with the Tahsildar who artfully deputed his subordinate the Deputy Tahsildar to inquire into the matter. The result of such an enquiry by the subordinate Deputy Tahsildar who had to report it to the very Tahsildar was a foregone one.

(31). The Deputy Tahsildar, in order to give his enquiry the appearance of openness, sent a notice to the petitioner that the Deputy Tahsildar was holding the inquiry in a certain village at a certain time and that the petitioner should appear there and at that time. (vide Exhibit X). The petitioner being really curious to know what the enquiry was for, went to the village earlier and

and kept on tiresomely waiting there for the arrival of the Deputy Tahsildar, while he having thus put the petitioner on the wrong track, went direct to thetank and, as he said conducted the enquiry and inspected such of the channels as were shown by the village staff.

(32). The petitioner having subsequently heard that the Deputy Tahsildar and the village staff were some where near the tank which was about two miles away, went there and saw the Deputy Tahsildar who gave vent to his biased mind and refused to comply with the request of the petitioner to inspect in his presence, at least, the two sub channelswhich connected the low level channel (i.e., the irrigation channel to the petitioner's lands) with the sluice though those channels were within a few feet from where the Deputy Tahsildar then was.

(33). Having thus been disappointed, the petitioner petitioned the District Collector, that the enquiry had no fairness in it and that the matter should not be disposed of unless the petitioner was given an hearing etc., none of of his petitions was given any heed. All the so called enquiry was conducted with a scrupulous care of secrecy to the petitioner and invariably behind his back with the result that on a certain day he was surprised by an order of the Sub Collector prohibiting the petitioner the use of his only irrigation channel and prescribing instead the use of only one channel which was wrongly named as"salpathy" channel and which was distinctly specified as the one which runs along the eastern boundary of survey Nos,47,67,68 and 70(vide reference on C.No.3092/27 A3 dated 13th April 1928. Exhibit B).

(34). This order of the Sub Collector was the climax of all wrongs done by other officials, for it created such a position to the petitioner that it made completely impossible to him to irrigate his lands as the channel specified in the order is, according to Government record itself a stream which runs several feet below the grounds level of the

of the petitioner's wet lands.

(35). The petitions were sent to the District Collector to make a personal inspection of the prescribed wrong channel and to give the petitioner a hearing in the matter and rectify the wrong done by the Sub Collector and they were not given any consideration (vide Exhibits J and JI). A review petition was given to the Sub Collector and though he personally inspected the channels yet did not correct his wrong order but only referred the petitioner to the District Collector for further orders (Vide Exhibit K) which however was never given. A draft copy of the plaint was sent to the District Collector as a suit notice and even then the wrong order of the Sub Collector was not corrected.

(36). The petitioner having thus failed to get justice from any of the executive officers was ultimately forced to file a suit against the Government for damages caused to him by the misconduct of Government servants in the years 1926,1927 and 1928.

(37). To narrate the whole story of all the damages will be very lengthy. The petitioner confines himself to to the narration of only the 3rd damage which is by itself a model case to enable your excellency to have an idea of how the administration is going on here and how justice is baffled and denied to non-officials when especially the wrong doer is an official.

(38). The suit was tried by the District Munsiff of Hospet. The fact that he and the Sub Collector of Hospet who is responsible for the 3rd damage are friends is a thing which, cannot be denied by eitherof them. In a small taluk place like Hospet, it is no wonder that these two officers who are both of the same age, caste, status, education and dignity naturally come in contact with each other in, clubs, sports, andother functions and thus become close associates, if not friends in its real sense.

(39). The facts that the Sub Collector by his order reference on C.No.3092/37, A3 dated 13th April 1928. Completely put the petitioner out of the use of the tank water even to his double crop inam lands and that both the Sub Collector and the District Collector did not care to rectify the wrong order inspite of the repeated prayers of the petitioner is a fact which cannot be denied or hushed up. The fact that the prescribed channel i.e., the onewhich runs along the eastern boundary of survey Nos. 46,67,68 and 70 etc., is only a stream which runs much lower in level than the petitioner's lands and is absolutely impossible channel for their irrigation has its sterling truth in it and cannot be gain said under any circumstance.

(40). In the face of theexistence of such strong and unescapable truth against the Government Servants they stood adamant throughout in their attitude and even wentto the length of asserting in the written statement presentedin the trial court that the petitioner (Plaintiff) was bound by the order of the Sub Collector as it stood, and he cannot question it in a Court of Law. This speaks for itself volumes regarding the mentality of the Government servants that whether their acts are right or wrong they are binding on the people and they are to abide by them without murmur. What is noteworthy above all is the fact that inspite ofthe unconceatable wrong committed by the Government Servants in prescribing an impossible channel and adhering to it, they succeeded in defeating the ends of justice in all the Courts of Law in this country, though in every court that wrong was pressed home by the petitioner with all force.

(41). How and by what feats and somersaults, the concerned Government servants succeeded in spitting white paint over their black wrong and thus triumphed over justice will be known by the following events.

(42). The trial court framed some issues in the suit which were silent on the very important and distinct points raised in paras 35 and 36 of the plaint i.e, whether the

M 13.15 (A)

the alleged salpathy channel which runs along the eastern boundary of survey Nos.47,67,68,70 as prescribed by the Sub Collector, created an impossibility to the petitioner ~~for thexpetitionerxsis~~ to irrigate his lands. The pleader for the petitioner did nothing to have the defect removed. Subsequently on noticing this defect, the petitioner himself had a petition filed with his affidavit, to amend the issues (Vide petition dated 12/3/1930 in E.S.No.599 of 1929).

(43). Inspite of this petition which is clear in all its aspects, the Government Pleader reshuffled the issues and filed his own draft issues which had the same defect in the specification of theimpossible channel prescribed by the Sub Collector, though by implication one or two issues involved that point though vaguely.

(44). The record of the Court shows that the draft issues were filed with the mutual agreement of the Pleaders on both the sides. Where as the petitioner's Pleader says that he distinctly draw the attention of the court regarding the omission of the specification of the channel in issue No.11(a) and did, actually make, for the information of the court, a marginal note in the draft issue of the Survey Nos. of the lands through the eastern boundary of which, the channel was said by the Sub Collector to run.

(45). Whether the court record or the version of the petitioner's pleader is correct is a matter to be judged by a reference to the document containing the draft issues. But the fact all the same remains that the petitioner's unmistakable plaint paras Nos.35 and 36 and his petition, for the amendment of the issues were ingeniously side tracked and the subsequent draft issues of the Government pleader which is as vague as is mischievous in its character was adopted with the result that the real andthe unescapable wrong of the Govt. servants was hushed up and an unwarranted unnecessary and a vague finding was given to the effect that an indefinite salpathy channel which means anything and everything and ~~whic~~ which for the purpose of the suit, means nothing can irrigate

the suit lands, while actually nobody can definitely tell even now, whether such salpathi channel which can directly irrigate the petitioner's lands does exist at all and if it ~~is~~ does through what survey No.of lands it has to run and if the owners of the lands object to the use of the channel by the petitioner, what the remedy is for it etc.,

(46). Though the manipulation of the records is so managed as to be given even if detected, the appearance of a casual error, yet the truth is otherwise, in as much as this point was fought tooth and nail by the petitioner in all Courts not only by oral arguments but also by presentations of written petitions which areall on the file now. This is thus a staring instance of how the right on the side of the people was trodden over by the might of the Governmnt servants.

(47). In addition to the slight of hand in omitting the description of the contentious channel in the issue ~~whic~~ which was the real crux of the point against the Government servants another issue of equal ingenuity and quite irrelevant to the suit was framed as to what the 'Mamul' channel was for irrigating plaintiff's (Petitioner's) lands while such a point could not arise at all as will be seen hereafter.

(48). According to the admission of both parties and especially according to the evidenceof Government servants themselves the Government owns no channels in the area of ~~th~~ the wet land and that all the channelsrun in the lands of private owners, that Government have no right to interfere if disputes arise regarding the use of channels among wet land holders and that also the Government have no right to prescribe channels for the use of wet land holders etc.,

(49). Under the circumstances it will be seen that the question of 'Mamul' for the use of channels did not and could not arise at all as between the petitioner and the Government. Besides other persons were not a party to the suit at all. Even if the Government, were the owners of the channels no party could claim the right ofusage by 'mamul' of

p.t.o

of a Government channel, so long as the Government provide with another equally efficient channel. Moreover the cause of action to the suit is not the prescription of a Mamul channel but the prescription of an impossible channel by the Sub Collector and the persistence by him and the District Collector in holding their own inspite of representations.

(50). While under any circumstance the question of "Mamul" does not arise at all in the suit, yet the needless issue was forced in, inspite of protest, with the result of a belaboured judicial finding to the effect that the petitioner had no mamul right to the use of the prescribed low level channel, when as a matter of fact there is in the whole ~~universal~~ "ayacut" no channel in existence to irrigate the suit lands except that low level channel.

(51). In view of the existence of the abovestated relationship between the Government and the Wet land holders in the matter of ownership, usage of channels etc., the Government servants of the Revenue Department had, but for the set purpose of mischief, no necessity much less jurisdiction to interfere with the petitioner's right of use of channels even under the pretext of alleged protest from a wet land holder which ought to have been left to be settled between themselves or if necessary by a Court of Law. As a further justification for such an unauthorised interference by them the concerned revenue officials have set up another lame excuse that the water of the tank was being wasted by the use of the low level channel which is as absurd on the face of it as is even unnatural in its character as will be seen by the evidence of the Government servants themselves that the channel will have inevitably a spontaneous flow of water in it which will by itself on most occasions suffice the irrigation of the suit lands. While such is the case, it is beyond one's imagination how any occasional or even repeated adding of tank water for irrigation to the inevitable running water of the channel

could waste tank water instead of really economising it.

(52). But the wonder is that all judicial courts except fortunately the High Court have upheld the ridiculous excuse of the executive that the use of the ~~land revenue~~ level channel results in the wastage of tank water. If really the excuse was genuine, it was open to the authorities to get the channel so kept as to avoid wastage or close it entirely and provide the petitioner with an equally efficient new channel. But the audacity of the executive in prescribing an impossible channel and fixing the petitioner to the use of that channel only inspite of repeated protests indicates their fearless high handedness which is so common in this country.

(53). Even assuming that the excuse of wastageof water is true as was held by the two lower judicial courts yet it is beyond one's conception how that saves the executive from the liability for damages when they created an impossibility by their wrong order to irrigatethe petitioner's land and thus deprived him of his legally recognised right of use of the tank water, With all this there is the fact that all courts have negatived the claim of the petitioner.

(54). To add injury to insult it will be seen from the records that some of the executive and the judicial officers concerned in this case have gone to the length of casting an unmerited and uncalled for aspersions, even on what they think the personal character of the petitioner and even made attempts and suggestions to prosecute him criminally though that idea had to be dropped by the executive like an hot potatoe not due to their sense of justice but to their guilty consciance which made them cowards due to a circumstance which they feared would negative their charge and expose them, it will thus be seen how mortifying and dangerous it is for the people to complain against the Government servant and seek relief even in courts of law.

(55). From the records it will be seen also that the petitioner was stifled from proving his case to his satisfaction which is repulsive to all jurisprudence, for the allegation...his pleader under circumstances referred to in the petition and the affidavit dated 6/1/31 in O.S.No.599 of 29 petition (with affidavit) dated 24/9/31 in A.S.No.75 of 31 and C.M.P No.5704 of 1934 in O.A.No.66 of 1933.

(56) Decisions contrary to the Government rules and recordsthemselves were given through such records were brought to the notice of the courts and though the Government itself was a party to the suit and could not deny its own recognised and public records. Important evidence was suppressed or ignored in giving the decisions. Conclusions which are opposed to nature and even common sense were given. Thus and in several other ways justice was miscarried or injustice done to the petitioner. The narrative of all of them and their substantiation in this petition is omitted lest it will make the petition very voluminous.

(57). Unless a thorough enquiry is made with right earnestness it will be hard to get to all the truth and understand how the executive and the judiciary are working in general and particularly when it is a matter between official and non-official parties.

(58). Even after th dismissal of the petitioner's appeal in the High Court a petition for leave to appeal to the letters patent Bench was put in and was dismissed Vide C.M.P.No.76 of 34 in S.A.No.66 of 1933.

(59). A review petition on the dismissed order was given and it was also dismissed vide C.MP.No.1744 of 1935 in S.A.No.66 of 1933.

(60). A petition for leave to appeal to the privy Council was given and it was dismissed also vide C.M.P.No.

(61). Two petitions were given even to the Letters patent Bench to entertain the appeal, in the exercise of their inherent powers etc., and they were also dismissed Vide S.R.No.11994 of 35 and C.M.P.No.357 of 1935.

(62). A perusal of all these petitions and the orders of the Courts thereon will speak for themselves how disposals are made without going into the merits of the case even without touching the material points of Law raised in the petitions and how helplessley a party has to suffer for the imperfections of th orders and evasions of material grounds urged in the petition.

(63). Thus it will be seen that every human effort was made by the petitioner to establish the truth which is as unmistakably and unconcealably clear as broad day light and which is impossible to escape the attention and understanding of even a lay man of the poorest intellect.

(64). With all this there is the glaring fact to face that the luminaries of the executive and the judiciary of this country have failed to do justice to the matter.

(65). But how all this has happened and who and what is responsible for such an happening is a matter for your Excellency to enquire into and decide for the benefit of the Governed and the Government.

(66). Almost all the records connected with the case are printed in the High Court and are already with the Government Pleader madras. A few other records viz., (1) the Judgment and decree of the High Court in S.A.No.66 of 1933 and the C.M.P.No.5704 of 1934, C.M.P.Nos.76 of 35, 1744 of 35. S.R.No.11994 of 35. C.M.P.No.357 of 1935 and a C.M.P of 1935 for leave to appeal to Privy Council and the orders thereon require to be printed.

(67). The petitioner humbly and respectfully prays that your Excellency will be graciously pleased to peruse all the papers, inquire into the matter and thus get an insight of how the executive and the judiciary are functioning and whether the people in general have a right cause for grievance against the present administration of justice by the Government servants and to decide also whether the petitioner was wronged either inadvertantly or intentionall

and to what extent, and what amends justice requires to be made to the petitioner.

(68). It will be seen that since the year 1926 the petitioner has been subjected to the mental anxiety worry loss of his agricultural occupation utter ruin by the costly and prolonged litigation in courts of Law which are called Courts of justice but without it.

(69). All this misfortune and the trouble to the petitioner can be traced to the simple fact that he did not manage to keep himself in the good graces of a village Talayari of Rs.7 and reddi of equal status and the then Tahsildar of the Taluk who to the people is all powerful. It will thus be seen how pitiable and helpless the position of the people is as against official high-handedness.

(70). It is undeniable that the order of the Sub-Collector Hospet did in effect directly and distinctly deprive the petitioner of hisright of the use of water to his wet lands including even his double crop inam lands which right, no power can legally or morally disturb and yet the order and its effect - still prevails which is a clear and an illustrative case of official might versus 'people's right'.

(71). The order of the Sub Collector is a continuing and recurring damage and an unjust hardship to the petitioner since the year 1928 which requires, prompt relief.

(72). The petitioner therefore prays that pending any other enquiry in the matter, your Excellency will, in the first place, be graciously pleased to immediately authorise any officer of integrity to promptly inspect, in the presence of the petitioner the channels referred to in the order of the Sub Collector Ref.OnC.No.3092/27 A3 dated 13/4/28 and the order of the Tahsildar. D.Dis.No.1429 dated 28/12/1925 and issue such orders as are necessary to prevent the recurring damage to the petitioner and also to

51

also to report to the Government whether the channel prescribed by the Sub Collector is unmistakeably an impossible channel tbthe irrigation of the petitioner's lands, and whether the Sub channels referred to in the Tahsildar's order are wholly and solely to feed the low level channel with the tank water and whether that water in the L.L.channel is exclusively used for the irrigation of the wet lands of the petitioner and others also.

(73). With an ardent prayer to His Gracious Almighty that He will inspire your Excellency with His sense and infallibility of justice the petitioner closes this petition.

Harpanahally
11.3.1937

Grand Trunk Road Mail
Guarantee
Harpanahally
Bellary Dt.
Madras Presidency.

Annexure (2)

(Ref. Ans. para 7)

C.F. 16.

# DRAFT FOR APPROVAL.

| | Date. | Initials. |
|---|---|---|
| When received for fair copying .. | | |
| When copied .. | | |
| When examined.. | | |
| When signed .. | 28/4 | |
| When despatched. | | |

SUBJECT :— Irrigation - (Bellary) - Harpanahalli Tk - Vars apon vse - wet lands - supply of water.

READ AGAIN _____, dated _____ 19____.

" " Pol 3591 Mis 22-11- 1929. Q #18 (A)

READ *ALSO* : Petition

H No. 620/37 From the ~~Gazzad Guru Rao~~ Hagal, No. nil, dated 29-3-1937 #3-5-37 - Q

" _____ " _____ " _____ " _____ 19____.

" Ref. H " _____ " _____ " _____ 19____.

Order / Resolution — Mis. / Rput. No. 620/37-1, dated 24-4-1937.

Rt. I to Collr. 26.6.37 [illegible]

Rv. I to Collr. 19.8.37. [illegible] 8/6

Rv. II to Collr 6.9.37 [illegible] 15/6 21/9/37

forwarded to the collector of Bellary. He is requested to report what the present position is with regard to the petns lands, ~~following points :-~~

~~(1) The present state of the petitioners lands.~~

(2) Whether they are now irrigable through the Salpati Channel alone or whether they should be transferred to any (upper main lands) if the petitioner applies for the transfer. He is also requested to state (3) whether the Channel is still silted up and if so what the cost of repair will be and whether the petitioners has ever

been
asked to repair it.

(two)

21/4/37

21/4/37

To the Collr. of Bellary with a petition enclosed in original to be returned.

N.S.S.

BOARD OF REVENUE
2 - JUN 1937

GOVERNMENT OF MADRAS

57-5 H98

Revenue Department.

SECY.
2 JUN 1937

Endorsement No.2184 F/37-1.dated the 31st May 1937.

*********

Sub:- Irrigation - (Bellary) - Harpanahalli taluk - Narapura village Wet lands - Supply of water - Complaint - Petition -

-----o-----

Read:-From Govind Garu Rao Magal,dated the 20th May 1937.

****

Transferred to the Board of Revenue in continuation of Government Endorsement No.1428 F/37-1.dated the 9th April 1937.

T.M.S. Mani,
Under Secretary to Government.

To the Board of Revenue ( L R & S ) with petition.

---

F o r w a r d e d
(By order)

A Ramachandra Ayyar
1.6.37
Superintendent.

kvm.

59 R 2184 27.5.37

To,

The Secretary to the Government of Madras. Judicial department

Madras.

ASSISTANT SECRETARY TO GOVERNMENT 23 MAY 1937 JUDICIAL DEPARTMENT

Subject

Irrigation - (Bellary) - Harapanahally Taluk - Narnapura village - wet lands, supply of water - Complaint - petition from Govind Guru Rao Magal dated the 29th April 1937.

Sent to BO in ord - wie Endt at p 1 of (x)

---

Honoured Sir,

1. My petition on the above referred subject was transferred by the Government, to the Board of Revenue and an endorsement No 1428, Fr 37-1 dated the 9th April 1937 was given to me.

2. Since then nothing is heard of it by me. The mere transfer to the Revenue Board without specific instructions may mean anything. The petition may be similarly transferred to the District Collector who again may transfer it to the Sub-Collector and the same process may take place until it reaches a 'Talyari' Reddy or Karnam, whose report, explanation or suggestion might finally take the form of Government order, without the least knowledge of it to the concerned party, and when re-representation is made by him as to the falsity of certain statements in the G.O. or such other grounds the reconsideration of the ~~same~~ may be rejected by the Government, or the original petition itself may be lodged in any of the offices where it is transferred without even a reply to the petitioner.

to ~~Sir~~

3. This is generally the way, how a petition of the people and especially their Complaints against Government Servants are dealt with, and I am afraid whether my petition will meet with such a fate.

4. I therefore most ~~resp~~ respectfully and humbly pray that the Government will be pleased to direct some officer of integrity to hold local inspection of the Concerned Channels in the presence of the petitioner, and to hold an open and public inquiry in such a way as to Command ~~the~~ the Confidence of the people.

I beg to remain,
Honored Sir,
your most obedient Servant,
Govind Gurumurthy Nagal
x Harpanahally
Bellary Dt

Harpanahally
20.5.37

Home — 2380 E-1
27/5/37

Home Dept

Revenue Secy

8
28/5 Secy
21/5

28
7/5

G.F. 32/

reply, please quote number, date and short title.*

Revenue DEPARTMENT.

*Received* _____ *Registered* 17232

From (Name) A.G.Blake Esq., I.C.S.,

(Designation) Collector

Post Box _____, (STATION) Bellary

*Telegraphic Address* _____

BOARD OF REVENUE
7 - JUL 1937
MADRAS

To

The Secretary to the Board of Revenue,

Madras.

Sir, R.C. *No.* 1767/37 A-3, *dated* 5th July 1937.

ENCLOSURES _____

SPARE COPIES _____

Irrigation - Harpanahalli taluk - Naranapuram village - wet lands belonging to Govind-Guru Rao supply of water.

Board's Ref. H. 620/37-1 dated 24th April 1937.

---

I submit herewith the petition of Govind-Guru Rao received from the Board with its reference quoted above. In this connection I invite the attention of the Board to this office Ref.C. No.4770/29 dated 8th Novemb which gives a clear history of this case. The Board was pleased to sanction in G.O.P. Mis. No. 3691 dated November 1929 the defence of the suit filed by the petitioner in the District Munsif's Court, Hospet. Thi suit was dismissed with costs in that court. Subsequ appeals preferred by the party to the District Judge and the High Court were also dismissed with costs. Lastly his application for leave to appeal to the Judicial Committee of the Privy Council was also dismissed. From the decree of the three courts, it is evident that the petitioner's lands are irrigable only by Salpatti channel. This channel is now silted up in S.No. 15 and the lands of the petitioner cannotbe irrigated by it until it is repaired and diverted. Though the channel is shown in the village plan as lying in S.No. 15 it is not in existence on ground. The channel is therefore

to

62

-2-

to be newly dug and restored. A plan showing the position of these channels is enclosed for reference. The petitioner's lands may be made irrigable from the Salpatti channel, by slight repairs to it and by diverting it towards the low level channel along the south east corner of S.No. 15. The petitioner is not willing to get his lands transferred to dry and his statement to that effect is enclosed. The Tahsildar, Harpanahalli has been asked to report the cost of the restoration of the channel in S.No. 15 and it will be reported as soon as his reply is received. The records available now do not show that the petitioner was ever asked to repair the channel.

6.7.37

For Collector.

Pis. 6/7.

9 JUL 1937

REVENUE DEPARTMENT.

SECY. 9-JUL 1937

HT 2613 63

ENDORSEMENT No. 2693 F/37-1, dated the 8th July 1937.

Sub:- Irrigation - (Bellary) - Harpanahalli taluk - Narasapur village Wet lands - Supply of water - Complaint - Petition -

Read:- From the Govind Guru Rao Magal, dated the 24th June 1937.

Transferred to the Board of Revenue in continuation of Government Endorsement No.1428 F/37-1, dated the 9th April 1937.

T. M. S. MANI,
Under Secretary to Government.

To the Board of Revenue, Land Revenue and Settlement. (with petition in orgl).

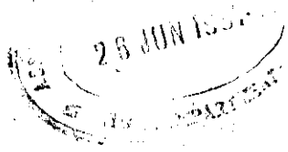
Copy to Govind Guru Rao Magal,
Harpanahally P.O. (Bellary)-

Forwarded/By order/

SUPERINTENDENT.

K.V.M.

S/ 65



1939

To

The Secretary to the Government of Madras
Judicial Department,
Fort St. George
Madras.

Subject

Irrigation (Bellary) Harpanahally Taluk - Navanagar Village - Wet lands - Supply of water. Complaint petition from Govind Gunu Rao Nagal - dated 29th March 1937

Sir,

In continuation of my petition dated the 20th may 1935 I beg further to bring to the notice of the Government that some days ago, the Tahasildar of Harpanahally made some enquiry into my petition which had been transferred by the Government to the Board of Revenue (vide endorsement No 1428 F 37-1 dated the 9th April 1937.

2 To say the least the enquiry is too meagre and perfunctory to the requirements of my petition addressed to the Government of India and the Madras Governments on 11-3-37 and 29.3.37 respectively

3 My petitions are clear. they are intended to bring to the notice of the responsible authorities of the Government that their servants are callous reckless and high handed in the discharge of their duties to the public and that they dare do so with a sense of impunity to them and that complaints made against them by the people do greater harm to them than bringing relief

4 In proof of the above general statements

two cases are cited in the petitions, the one about the irrigation channels which imputes the mal-administration by the executive and the civil side of judiciary and the other case C.C. No 252 of 1936 on the file of the Sh. Sub. Magistrate Harpanahally which impeaches the Criminal side of the judiciary.

5. This was done with a hope and belief that the Authorities who really feel their duty and responsibility to secure a good name and public love to the Government, would be glad to get to the truth of the above statements and take measures to better the existing state of things to the amelioration of the governed.

6. Thus the least that is required of the petitions is a public enquiry by open minded and justice loving Authorities on the following points. Viz

(a) Whether in those two cases the petitioner was wronged by the concerned Government Servants.

(b) Whether they did so knowingly and fearlessly

(c) Whether the facts in those cases are so bold as not to be concealed or mistaken

(d) If in the face of such bold facts an error is claimed to have been committed whether the concerned government servants are fit to hold such responsible positions

(e) In either case whether the petitioner suffered damage

(f) if so to what extent and

(g) What amends justice requires to be made to the petitioner.

7 Lastly I beg leave to pray that the government will be graciously pleased to cause a public enquiry made on the above points as early as possible.

Harpanahally
dt. 24/6/37

I beg to remain
Sir.
Your most obedient servant,
Govind Surnakar Nagal
Harpanahally
Bellary Dt.

Home Dept.
Home 5089-100
2-7-37 Revenue

Rec'd C.N.o. 2693-F
2.7.37

29.6.37
30/6

C.F. [illegible]

In reply, please quote number, date and short title.*

Revenue DEPARTMENT.

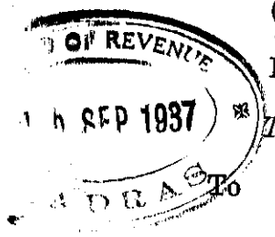
*Received* ..... *Registered* H1719

From (Name) J.W. Pritchard Esq., I.C.S., 3

(Designation) Collector,

Post Box ....., (Station) Bellary.

*Telegraphic Address* .....




To

The Secretary to the Board of Revenue,
Madras.

D.Dis *No.* 1767/37, *dated* 11-9-37. 19

Sir,

Enclosures ____

Spare Copies ____

*Irrigation- Harapanahalli taluk-Naranapuram village- Wet lands belonging to Govind Guru Rao- supplyof water

Ref:- Board's Ref.H. 620/37-1 dated 24-4-37.

---

As already reported in my letter Ref.C.No. 1767/37 A-3 dated 5th July 1937, the Salpathy channel does not exist on ground in S.No. 15 though it is marked in the village plan. It has to be restored now and taken to meet the drainge channel so as to irrigate the petitioner's wet lands. I submit herewith an estimate for repairs to this channel and recommend that the repairs may be ordered to be executed.

14-9-37.

For Collector.

A.S.N./14-9A. 14/9

Copy to the Sub Collector, Hospet with his office file R.Dis. 3092/27 and 1773/28.

Copy to the Tahsildar of Harapanahalli.

CAH. 71

C.F. 16.

## DRAFT FOR APPROVAL.

| | Date. | Initials. |
|---|---|---|
| When received for fair copying | | |
| When copied | | |
| When examined | | |
| When signed | | |
| When despatched. | | |

SUBJECT :— Irrigation. (Bellary) - Harpanahalli Tk. Nasapur village. wet lands - Supply of water. Petitions from Govind Guru Rao Hagal - Orders passed.

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO* :—

No. Petitions From the Govind Guru Rao Hagal, No. Nil, dated 29.3.37 — p3 c/f Q.
20.5.1937 — p5 c/f Q
24.6.37 — p6 c/f Q

" Endt. from the Govt. R.D. Nos 1428 F/37-1 & 9.4.1937 — p1 c/f a

" " " " 2184 F/37-1 & 31.5.1937 — p.5? c/f a

" " " " 2693 F/37-1 & 8.7.1937 p63 c/f a.

" from the Collr. of Kistna R.C. No. 1767/37 A3 & 5.7.37 p.61 c/f Q.

Order / Resolution / Rout. Ms. No. " dated " R.C. No. 1767/37 & 11.9.1937 p.69 c/f a

Res. Ms. 3067 & 28.9.37

The Board approves the Collectr's proposal in his letter last read above and sanctions the execution of the repairs to the Selpatty channel referred to therein.

2. The petitioner is referred to the Collr. of Bellary Kistna for orders on his petition to the Govt. read above

25/9/37

To The Collr. of Bellary Kistna
(with estimates retd.)

To The Petitioner - para 2 only.

Address. Govind Guru Rao Hagal
Harpanahelly P.O
Bellary Dt.

Note file

Irrigation. (Bellary)

Harpanahalli

A.S (Settl)

Dis. Narsapur Vge. wet lands.

Supply of water.

H 620. p 1 cf

To J.S

Pl. see the petn at pp 3-5 cf.

Pp 3591 Mis / 22.11.29 (A)

P 1 18.59 Mis / 2021.31 (J)

it has been transferred to the Board.

p 1 cf

no report is therefore due to the Govt

usually, the petn will in turn be

transferred to the Collr, a copy of this

Govt being marked to the petr.

The point is whether this usual

procedure may be followed in this

case or a report called for as to

whether the petr's wet lands can be

satisfactorily irrigated and whether

it will be possible to provide such

facilities

The petr filed a suit

against the Govt for a declaration

p 1 cf (A) of his right to take tank water as

is possible, for injunction against

the Govt from interfering with his

use of the water and for

p 18 cf (A) the Board sanctioned the defence of

the suit. The petr lost his suit in all
the courts - paras 58 – 61, p 45 C/4.
The petr appears to have been involved
in a criminal case in 1976. The details
of this case are not available. The
petr has now addressed the Govt of India pp 1 - 51 C/4
and apparently at their direction addressed pp 3-5 C/4.
the Local Govt.

I refer is invited to the Hon
Secy's queries and the reply thereto
and the final remarks of the Secy. made
while sanctioning the defence of the
suit filed by the petr. The petr
states that the order of the officers
make it impossible to irrigate
his wet lands, some double crop
main lands also. It seems therefore
that something should be done for the
petr, if possible.

According to an office order
of the party has given out a notice
of suit on a particular matter,
and then approached the Govt the
petn should be dismissed summarily
The party in this case has actually filed a suit
against the Govt and lost heavily
In another case, which went up to
the Supr Court, writ arises. In circumstances

against the earlier order

Office Order no. 2/31

Inde (J)

Hardly a good precedent. The BOR recommendation was to and finally a complicated piece of litigation by Mandis to 60. The case has a separate recommendation by Mr Judge.

D.19/4/37

R.

It may be transferred to the Collr for disposal.

Dbo 18/4/37.

I think Mr Cox may be asked to report that the present position with regard to Mr Cox's land is, which they are now investigating except Mr Rajan Nambiar alone, a decision by Govt. transferring D. Chattopadhyay party appeals. He may also be asked to Back Mr Rajan Nambiar Mr Nambiar Mr Rajan Nambiar Mr Cox & report Mr Cox & whether the party has been asked to report it.

R. 20/4.

of the merits, an investigation as to the practicability of providing irrigation facilities was examined and the Govt at the instance of the BOR have sanctioned the proposal to provide irrigation facilities at the cost of Govt.

It is therefore for orders whether the petn in the present case should be sent to the Collr for report on the question of providing irrigation facilities or whether it may be transferred to the Collr. If the latter course is followed, the result will be that the petn will be lodged, as the party has lost in the courts

TR
19/4/37

Dbo
18/4/37.

J.S.

To Hs (with) the papers for further action.

20/4/37

Dbo 21/4/37

(Issued on Ref. H.620/37-1 dt 24.4.37)

H 987/37 p. 57 cf.

To AS (Secret)

AS Secret

Please see the further petition at pp. 7-8 cf. transferred to the Board by the Govt. The Collr. has already been asked to report on certain points in connection with the first petition (referred to Collr. in original).

As the petitioner has some misgivings about the fate of his petition, for orders whether he may be informed that the matter is under the consideration of the Board. and that a report has been called for or whether the Collr's report may be awaited. no letter seems necessary

4/6/37

H 1232/37 p. 61 cf.

H 1261/37 p. 63 cf.

To J.S.

Please see the Collr.'s letter at p. 61 cf. in regard to the Petition at pp. 56 cf. The Collr. states that the petitioner's lands are irrigable, according to the Govt. decree, by the Selpathi channel alone, that the channel is now

Silted up in S.No. 15 and would require to be repaired and diverted to make it fit for irrigating the lands, & that the petitioner is not willing to have the lands transferred to Dy. ~~and that~~ the Collr. also states that the Selpathi channel may be diverted towards the low-level channel and that the cost of this work will be reported as soon as information is available from the Talukdar.

The intention of the Board in issuing the ref. to the Collr. was apparently to know whether the lands could be irrigated by the Selpathi channel alone according to the actual state of things on ground. ~~and not according to judicial decision.~~ ~~The Collr. may perhaps be asked to state whether it would have is another way any other way of irrigating the petitioner's lands except by the Selpathi channel.~~

As the Selpathi channel is said to have silted up

at # S.No. 15 ~~God at the Hill~~ and the Govt.'s suggestion that the channel may be diverted towards the low lying channel, thus enabling it to irrigate the petr's lands ~~appears to be feasible~~ seems reasonable. The further report re. the cost involved may be awaited.

plan and party on p 4 of (A)

M. 14.

The statement of the petitioner, expressing unwillingness to have the lands transferred to Govt, is said to have been enclosed but has not been recd. It does not seem necessary to call for it. Orders.

page 62 of

13/7/37

A further petition transferred by the Govt. is added to the file. Separate action does not appear necessary on it. The petr. wants a public inquiry on the conduct of officers and the damage to the petn

13/7/37

M. 14.

HV
3-5(F)

revise the Coll. of Bellary No. DS 174/1/37 & 11-4-37. p 69 cf 23/9/37

To J.S

Please see the further report

from the Collr. at ₹ 69 cf
The Cost of the improvements
to the Selpalli channel is
estimated only at Rs. 15b/
In view of the lifting cost involved,
the Board may perhaps order
the execution of the repairs necessary
also recommend for the execution of the repairs
for orders.

Mrs
21.9.37
(Th 24/9/37)

Q: may be done if ½
Cusecs less is available &
₹ 65: 67 can safely be issued.

Rm 24/9.

Let it be so
Stt
25/9

Joint C.E.
25 SEP 1937

½.

To J.S.

Draft Submd
23/9

Mr
25.9.37
(Th 25/9/37)

Sections
file
27.9.37